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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 CORINA VALENZUELA,

14 Defendant.  
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Case No. MJ11-00493

ORDER DENYING STIPULATED  
MOTION TO EXTEND TIME TO  
SEEK INDICTMENT

16 On February 22, 2012, the parties to the above-captioned matter filed a Second  
17 Stipulated Motion to Extend Time to Seek Indictment. Dkt. 14. The motion asserts that an  
18 extension of time is necessary because the Defendant remains in an in-patient drug treatment  
19 program and her counsel have not yet completed their research of the legal and factual issues  
20 of this case. Without an opportunity to complete their research, defense counsel cannot engage  
21 in meaningful plea negotiations and the parties agree “that the ends of justice served by  
22 granting this continuance outweigh the best interest of the public and the defendant in a speedy  
23 trial.” *Id.* at 2:10-11.

24 The Speedy Trial Act of 1974 provides that the Court may extend the time to seek an  
25 indictment upon the motion of either party “if the judge granted such continuance on the basis  
26 of his findings that the ends of justice served by taking such action outweigh the best interest

1 of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A). However,  
2 Congress “did not intend the ‘ends of justice’ exclusion to be granted as a matter of course but  
3 rather [intended it] to be used sparingly and only when necessary.” *United States v. Lewis*, 980  
4 F.2d 555, 560 (9th Cir. 1992). Hence, an “ends of justice” exclusion may be granted only for a  
5 specific duration when “justified [on the record] with reference to the facts as of the time the  
6 delay is ordered.” *United States v. Ramirez-Cortez*, 213 F.3d 1149, 1154 (9th Cir. 2000)  
7 (internal quotations and emphasis omitted). Generalized assertions that the “ends of justice”  
8 will be satisfied by the granting of a continuance are insufficient. *Id.* at 1154-55.

9 Here, the parties have provided no evidence, or adduced any facts from the record  
10 sufficient to justify granting a continuance. Instead, the parties waited until after the  
11 indictment deadline had already passed before requesting a second extension, and have not  
12 offered any particular reason why defense counsel has been unable to complete its  
13 investigation of the case. The parties’ motion (Dkt. 14) is therefore DENIED.

14 DATED this 22nd day of February, 2012.

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16 JAMES P. DONOHUE  
17 United States Magistrate Judge  
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